

REMARKS/ARGUMENTS

The Office Action mailed October 6, 2005 has been received and reviewed. Claims 1 through 25 are currently pending in the application. Claims 24 and 25 are allowed. Claims 1, 2, 10 through 15, and 18 through 23 stand rejected. Claims 3 through 9, 16, and 17 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicants have amended claims 1, 10 and 19 and respectfully request reconsideration of the application as amended herein.

Information Disclosure Statement

An Information Disclosure Statement with accompanying Form PTO/SB/08 is submitted concurrently herewith. It is noted that two of the documents listed as Other Documents/ Nonpatent Literature are drawings entitled "General Arrangement Reactor Clarifier" dated 1990 and "General Arrangement Drawing Reactor Clarifier" dated 1986. These two documents have had certain business sensitive information redacted (e.g., dimensions, customer information and the like). The redacted information is not believed to be relevant to the claimed invention of the present application. However, should the Examiner have any questions regarding these drawings or the information redacted therefrom, the Examiner is invited to contact Applicant's undersigned attorney.

35 U.S.C. § 102 Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 6,758,978 to Bedell

Claims 1, 2 and 19 through 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bedell (U.S. Patent No. 6,758,978). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 and 2

Independent claim 1 is directed to a feedwell for use in a clarifier tank. As amended herein, the feedwell of claim 1 comprises: a body defining a volume for flowing a slurry therethrough, the body including a side wall and a floor wherein the floor defines at least one opening therein for discharging the slurry and wherein the at least one opening is configured to constrict flow of the slurry, *the body being sized and configured to be at least partially disposed within an interior of a clarifier tank*; at least one baffle disposed within the body in a fixed position relative thereto; and at least one paddle located and configured to rotate within the body about a central axis of the body.

The Examiner cites Bedell as teaching “an apparatus comprising a bottom 14; a discharge port 16, through the bottom which is shown to be restricted by rakes 63; baffles 56; rotating pickets 62, which rotate about axis 48 by drive head 61 of a clarifier; cover plate 74; side wall 10 and rakes 63, which rotate adjacent the bottom 14 and the lower part of side wall.” (Office Action, page 2). Applicants submit, however, that Bedell fails to describe all of the limitations of claim 1 of the presently claimed invention.

Bedell discloses a thickener/clarifier (10) that includes a vessel (11) having an inlet (12) and a discharge port (16). (See col. 4, lines 3-19). The thickener/clarifier includes a rake assembly (63) coupled to a motor-driven shaft and a deliquifying member (48) that includes conical deliquifying baffles (56) generally disposed about the shaft. (See col. 5, lines 4-30). The rake assembly includes pickets (62) that rotate through the lower settling zone of the tank. In operation, the “consequent movement of the pickets 62 through the thickened slurry or sludge in the lower zones releases otherwise trapped interstitial liquid 71.” (Col. 5, lines 61-64).

Bedell does not describe, however, a feedwell for use in a clarifier tank which includes a body that is *sized and configured to be at least partially disposed within an interior of a clarifier tank* and having the other associated elements and limitations as set forth in claim 1. Rather, the features cited by the Examiner are those which are associated with Bedell’s *clarifier*, and are not associated with a feedwell for a clarifier and, more specifically, such cited features are certainly not associated with a body of a feedwell that is sized and configured to be at least partially disposed within an interior of a clarifier tank.

Applicants, therefore, submit that claim 1 is clearly allowable over Bedell. Applicants further submit that claim 2 is also allowable over Bedell.

With respect to claim 2, Applicants submit that Bedell also fails to describe a body that is sized and configured to be at least partially disposed within an interior of a clarifier tank in conjunction with the other limitations of claim 1, wherein the body further includes a top wall coupled to the side wall.

Applicants, therefore, respectfully request reconsideration and allowance of claims 1 and 2.

Claims 19 through 23

Independent claim 19 is directed to a feedwell for use in a clarifier tank. As amended herein, the feedwell of claim 19 comprises: a body defining a volume for flowing a slurry therethrough, the body including at least a side wall and a floor and *being sized and configured to be at least partially disposed within an interior of a clarifier tank*; and at least one scraper relatively moveable with respect to the body, the at least one scraper being located and configured to remove an amount of built-up material deposited on an interior surface of the body.

The Examiner cites Bedell as teaching “an apparatus comprising a side wall 10, bottom 14, rakes, 63, baffles 56, and pickets 62.” (Office Action, page 3). Applicants, submit however, that Bedell fails to describe all of the limitations of claim 19 of the presently claimed invention.

Bedell discloses a thickener/clarifier (10) that includes a vessel (11) having an inlet (12) and a discharge port (16). (See col. 4, lines 3-19). The thickener/clarifier includes a rake assembly (63) coupled to a motor driven shaft and a deliquifying member (48) that includes conical deliquifying baffles (56) disposed about the shaft. (See col. 5, lines 4-30). The rake assembly includes pickets (62) that rotate through the lower settling zone of the tank. In operation, the “consequent movement of the pickets 62 through the thickened slurry or sludge in the lower zones releases otherwise trapped interstitial liquid 71.” (Col. 5, lines 61-64).

Bedell does not describe, however, a feedwell for use in a clarifier tank which includes a body that is *sized and configured to be at least partially disposed within an interior of a clarifier tank* and having the other associated elements and limitations as set forth in claim 1. Rather, the features cited by the Examiner are those which are associated with Bedell’s *clarifier*, and are not

associated with a feedwell for a clarifier and, more specifically, such cited features are certainly not associated with a body of a feedwell that is sized and configured to be at least partially disposed within an interior of a clarifier tank.

As such, Applicants submit that claim 19 is clearly allowable over Bedell. Applicants further submit that claims 20 through 23 are also allowable at least by virtue of their dependency from base claim.

Applicants, therefore, respectfully request reconsideration and allowance of claims 19 through 23.

Anticipation Rejection Based on U.S. Patent No. 5,795,484 to Greenwald, Sr.

Claims 10 through 15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Greenwald, Sr. (U.S. Patent No. 5,795,484). Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 10 is directed to a feedwell for use in a clarifier tank. The feedwell of claim 10 comprises a body defining a volume for flowing a slurry therethrough. As amended herein, the body of claim 10 comprises: a side wall; a first floor section extending inwardly from the side wall toward a central axis of the body; and a second floor section positioned radially inwardly of the first floor section, the second floor section extending outwardly from a location proximate the central axis of the body, wherein the first floor section and the second floor section are configured to *define at least one substantially annular opening therebetween such that slurry is discharged from the body in a substantially annular pattern.*

The Examiner cites Greenwald as teaching “an apparatus comprising a sidewall, and inwardly and downwardly extending bottoms 156 and 146 having an annular opening therebetween.” (Office Action, page 3). The Examiner further cites Greenwald as teaching “annular rings 158 and 160” and a “dispersion dispenser 144.” (*Id.*) Applicants submit, however, that Greenwald fails to describe all of the limitations of claim 10 of the presently claimed invention.

Greenwald describes an up-current classifier (142) for separating coal particles from water and peptized clay. The classifier includes a conical bottom (146) and an “upset cone 156 [which] is fit into the interior of the conical bottom of the separator [in] a spaced relation from

the conical bottom 146 to form an angular opening between the two cones.” (Col. 10, lines 5-14 and 46-49). Annular rings (158 and 160) are installed on the cone (156) and on the conical bottom (146) to interrupt the continuation of the flow path.

Greenwald fails to describe, however, a first floor section and a second floor section that are configured to *define at least one substantially annular opening therebetween such that slurry is discharged from the body in a substantially annular pattern*. Rather, even if the conical bottom (146) and the upset cone (156) are considered to define an annular opening, such components do not define an opening such that slurry is discharged from the body in a substantially annular pattern. Rather, coal particulates are discharged from Greenwald’s classifier through an apparent circular opening (i.e., an opening exhibiting a solid cross sectional geometry) that is formed at the lower portion of the conical bottom (146).

As such, Applicants submit that claim 10 is clearly allowable over Greenwald. Applicants further submit that claims 11 through 15 and 18 are also allowable over Greenwald as being dependent from an allowable base claim as well as for the additional patentable subject matter introduced thereby.

With respect to claims 11 and 12, Applicants submit that Greenwald also fails to describe a second floor section that extends downwardly as it extends *outwardly* from the location proximate the central axis of the body. Rather, both the conical bottom and the upset cone of Greenwald extend downwardly as they extend *inwardly* from a side wall.

With respect to claim 18, Applicants submit that Greenwald further fails to describe at least one baffle disposed beneath the at least one substantially annular opening. While the Examiner points to the annular rings (158 and 160) as satisfying such a limitation, Applicants note that these components are disposed *within* the region that the Examiner characterizes as the annular opening and not *below* the region that the Examiner characterizes as the annular opening.

Applicants, therefore, request reconsideration and allowance of claims 10 through 15 and 18.

Objections to Claims 3 through 9, 16, and 17/Allowable Subject Matter

Claims 3 through 9, 16 and 17 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form.

Each of claims 3 through 9 ultimately depend from claim 1. Each of claims 16 and 17 ultimately depend from claim 10. As set forth hereinabove, Applicants submit that claims 1 and 10 are in condition for allowance. As such, Applicants also submit that claims 3 through 9, 16 and 17 are likewise in condition for allowance.

ENTRY OF AMENDMENTS

The amendments to claims 1, 10 and 19 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 25 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley B. Jensen", followed by a horizontal line.

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